

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**JESSICA CARR and,
BENJAMIN LEABEATER**)
Plaintiffs,)
vs.)
SAFECO INSURANCE COMPANY)
OF OREGON, a foreign corporation,)
Defendant.)
CIVIL ACTION FILE
NO.

DEFENDANT SAFECO INSURANCE COMPANY OF OREGON'S
NOTICE OF REMOVAL

COMES NOW Safeco Insurance Company of Oregon (hereafter "Safeco"), and files its Notice of Removal pursuant to Fed. R. Civ. P. 81(c) and 28 U.S.C. §§ 1441 and 1446(a) and (b).

1

The Plaintiffs have filed a civil action against Safeco in the Superior Court of Gwinnett County, Georgia, Civil Action File No. 24-A-11333-11, (the “underlying action”) which is located within the Atlanta Division of the United States District Court for the Northern District of Georgia. See 28 U.S.C. § 90(a)(2).

2.

The Plaintiffs filed their Complaint in the underlying action on or about December 19, 2024. (Exhibit “A”, Complaint.) The Summons and Complaint was served on Safeco on or about December 30, 2024. (Id.)

3.

In their Complaint, Plaintiffs allege that they “are adult resident citizens of Cobb County, Georgia.” (Ex. A, Complaint, ¶ 1.) Plaintiffs further allege that their cause of action arises out of damage to their “property located at 772 Patters Drive SW, Mableton, GA 30126 (the “Insured Property” or the “home”). (Id. at ¶ 7.) The Plaintiffs are citizens of the State of Georgia.

4.

Safeco is an insurance company organized and existing under the laws of the State of Oregon, with its principal place of business located at 175 Berkeley St. Boston, Massachusetts. There is no evidence that either Plaintiffs are citizens of either Oregon or Massachusetts.

5.

Therefore, at the time of removal, the Complaint asserts claims by two citizens of the State of Georgia against only a non-citizen Defendant, Safeco, and there is complete diversity of citizenship.

6.

In their Complaint, Plaintiffs allege that the cost to repair the damage is \$263,585.54, an amount in controversy which exceeds \$75,000.00, exclusive of interest and costs. (Ex. A, Complaint, ¶ 19)

7.

This is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 based on complete diversity of citizenship among the parties and which may be removed to this Court pursuant to 28 U.S.C. § 1441.

8.

This Notice of Removal is filed within thirty (30) days of the date of service of the Complaint on Safeco.

9.

Defendant attaches as Exhibit “A” to this original pleading only, the entire record in the Superior Court of Gwinnett County, Georgia action.

10.

The undersigned has read this Notice of Removal, and to the best of the undersigned’s knowledge, information and belief, formed after reasonable inquiry, it is well-grounded in fact and is warranted by existing law, and it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, Defendant hereby removes this action to the United States District Court for the Northern District of Georgia, Atlanta Division.

Respectfully submitted this 27th day of January 2025.

ISENBERG & HEWITT, P.C.

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